

The Salisbury Planning Board held its regular meeting Tuesday, October 24, 2006, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Nathan Chambers, Robert Cockerl, Tommy Hairston, Lou Manning, Brian Miller, Sandy Reitz, Dr. Kelly Vance, and Diane Young

ABSENT: Valarie Stewart, Albert Stout, and Price Wagoner

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi

Chairman Brian Miller called the meeting to order and offered the invocation. The minutes of the October 10, 2006, meeting were approved with one correction. It was stated that Diane Young was counted present when she was absent.

The Planning Board adopted the agenda as submitted.

NEW BUSINESS

A. Zoning Map Amendment

- Explanation of procedure
- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency and Motion

1. Z-12-06

Petitioner(s): City of Salisbury

Owner(s) Thomas O. Eller, et al

Address: Unnumbered Henderson Grove Church Road

Tax Map-Parcel: 407-115

Size/Scope: Approximately 50.96 acres, on one parcel

Location: Located along the west side of Henderson Grove Church Road, approximately 2,600 feet from the Peach Orchard Road and Henderson Grove Church Road intersection.

The request is to establish the M-1 (Light Industrial) City zoning district on TM&P 407-115. This lot was previously discussed in case Z-09-06. The previous was a third-party petitioner requesting that a specific zone be established. City Council denied the petition on October 3, 2006.

Preston Mitchell made a staff presentation.

Development in the M-1 district will be required to provide an F-buffer yard and an A-buffer yard with complete visual separation against the A-1 and M-1 districts, respectively. Setbacks *Front* = NONE / *Side* = 4 / *Rear* = 4/Height-No Maximum.

Chairman Miller opened the courtesy hearing.

Those speaking against

Henry Saine, 1351 Henderson Grove Church Road, opposes the rezoning to M-1 because of the cumulative aspects of the code and the wide variety of permitted uses in M-1.

There are established trees on the property and there is a runoff problem. The land is not suitable for septic systems.

He said that Mark Lewis made the comment that the City could not turn down an opportunity to take in more land at no cost. Whatever the city chooses to do on this property it is going to cost the city money.

He would like to see an upscale housing development on this property.

Nancy Shue, 710 Peach Orchard Road, is opposed to M-1 rezoning of Henderson Grove Church Road property. She agreed with Henry that this land could serve the community better as residential property. An upscale housing development would serve the Kannapolis area. The M-1 zoning opens it to too many undesirable options.

Those speaking in favor

Harold Poole of 310 Winterlocken Drive thanked the Planning Board for their previous votes to deny M-2 rezoning. Overall he believes that the neighborhood can support M-1 zoning. He offered history of zoning on this property. (Mr. Poole is retired from the City's Planning Department.) He believes that putting this property to residential zoning as it was prior to 1998 is unfair.

The chairman closed the Courtesy Hearing. For clarification the following is noted.

Section 13.03. Regulations.

- (a) There shall be a spacing of one thousand (1,000) feet between adult establishment uses.
- (b) There shall be a spacing of one thousand (1,000) feet from an adult establishment use to any residential district.
- (c) There shall be a spacing of one thousand (1,000) feet from an adult establishment use to any sensitive uses listed in Part 1, Purpose and intent.

Sandy Reitz asked if the City was not required to install water and sewer services. There is a current City-County effort to put water/sewer lines in this corridor. Preston agreed that this is the area for the Town Creek (I-85) Sewer Interceptor Project. Preston added that the city is not required to offer services for voluntary annexations. The likelihood of the services being offered for this property is pretty high.


There being no further business to come before the Planning Board, the meeting was adjourned at 4:45 p.m.



Brian Miller, Chairman



Lou Manning, Vice Chairman


Secretary, Diana Moghrabi